

November 14, 1997

Hanford Openness Workshops

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*The Hanford Openness
Workshops are a
collaborative effort
among the U.S.
Department of Energy-
Richland Operations
Office, the Consortium
for Risk Evaluation
with Stakeholder
Participation, the
Oregon Office of
Energy, the Washington
Department of Ecology,
and regional Tribal
and citizen
representatives.*

The Honorable Federico Peña
Secretary of Energy
US Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

Dear Secretary Peña:

The Hanford Openness Workshops are a collaborative effort among the US Department of Energy-Richland Operations Office (DOE-RL), the Consortium for Risk Evaluation with Stakeholder Participation, the Oregon Office of Energy, the Washington Department of Ecology, and regional Tribal and citizen representatives. Recently, the participants of the Hanford Openness Workshops met and discussed some of the challenges facing the Department of Energy (DOE) ensuring that its commitment to openness be realized across the complex. It is the participants' consensus that, although the DOE has stated commitments to openness as a top priority for the Department, these commitments have not yet been institutionalized through measurable, contractual mechanisms.

Building upon the August 1997 recommendations of the Secretary of Energy's Advisory Board's Openness Advisory Panel that

"Openness should be a normal part of doing business in the Department. The challenge facing the Department today is to convert openness from a new initiative to a standard operating procedure,"

our workshop participants developed specific suggestions to ensure that openness is addressed in the same systematic, measurable, and enforceable manner as other DOE priorities.

As you know, most site activities are managed at Hanford by the Fluor Daniel Corporation under the Project Hanford Management Contract (PHMC). The PHMC is intended to be a performance-based, cost-reimbursable contract and as such offers the DOE an excellent opportunity to introduce performance measures for openness, including financial incentives and penalties for meeting or failing to meet contractual openness targets. These incentives should also be included as contracts are negotiated for other Hanford functions, such as operation of Pacific Northwest National Laboratory.

In our discussion, it was initially proposed that performance measures for openness should total 20% of fee, because commitment to openness is one of five priorities developed by DOE-RL management. Ultimately, the participants determined that a figure of 5% - 6% of project fee represents a more realistic range for implementation and would still reflect the significance that the openness workshop participants feel is necessary for progress.

The Performance Measures working group of the workshop developed a concept presentation that is enclosed with this letter. This presentation highlighted the need for:

- Specific performance measures for openness
- Both incentives and penalties for openness
- An environment in which decisions made without disclosure are subject to reversal
- Trackable measures for citizen involvement in decision-making
- Independent mechanisms for review of compliance with openness objectives

Also included in the presentation are possible performance measures that could be used in DOE contracts. The areas of suggested specific performance measures include:

IS OPENNESS WORKING? A PROGRESS REPORT
HANFORD OPENNESS WORKSHOPS, FALL 1999

APPENDIX 15. PERFORMANCE MEASURES CORRESPONDENCE

1. creating a work and management culture that encourages the reporting of health, safety, environmental, or financial concerns with zero tolerance for retaliation; and mechanisms encouraging the early resolution of employee concerns;
2. declassification of records relevant to stakeholder and Tribal issues such as environmental, safety, and health concerns;
3. access to records relevant to environmental, safety, and health concerns;
4. meeting commitments to meaningful public involvement.

Workshop participants agreed that contractors must be required to implement openness within their existing fee structure. The inclusion of openness mechanisms should not be allowed to increase the cost of negotiated contracts.

One area of special concern is based on the first year of the PHMC. The current contract has a requirement that the PHMC companies demonstrate leadership in utilizing the Hanford Joint Council for Resolution of Employee Concerns and making it a sitewide forum. The Council's goal is the resolution of employee concerns relating to health, safety, and the environment, and the elimination of retaliation for expressing such concern. The current contract clause regarding the Council has no fee attached, and the setbacks to the Council's activity in the past year seem to illustrate the fate of contract obligations to which no fee is at stake. In November, 1996, the National Inspection and Consultants (NIC) audit was highly critical of all Hanford employee concern programs, with the exception of the Hanford Joint Council—demonstrating the need to offer incentives for improvement in the area of employee concerns.

For the Department's commitment to openness to become a reality, contracts and management reviews must have specific performance measures. The first year of the PHMC at Hanford demonstrated the need for fee incentives and penalties to ensure that we do better than "marginal" in areas covered by the openness commitments, and that we do not have a repeat of Labor Department findings of retaliation against employees for engaging in protected speech on safety issues.

We urge your consideration of these specific suggestions as you finalize your contract negotiations at the site. Please note that while this letter represents the consensus of the participants, the attachment has been developed and reviewed in detail by a subset of interested parties (the Performance Measures working group) due to time constraints. If you would like additional information on these measures, we would welcome your inquiry and the opportunity to assist you in their development. Please contact Mary Lou Blazek, spokesperson for the workshop participants, at 503/378-5544, or Gerry Pollet, coordinator of our working group on performance measures, at 206/382-1014.

Sincerely,

The Participants of the Hanford Openness Workshops:

Mary Lou Blazek, Oregon Department of Energy

Diane Larson, Former Hanford Worker

Norma Jean Germond, Oregon League of Women Voters

Gerry Pollet, Heart of America NW

Max Power, WA Dept. of Ecology

Ruth Yarrow, Physicians for Social Responsibility

Tim Takaro, University of Washington

Russell Jim, Yakama Indian Nation

Greg deBruier, Columbia River United

Tom Carpenter, Government Accountability Project

Coordinators: Deirdre Grace and Elaine Faustman, Ph.D., Consortium for Risk Evaluation with Stakeholder Participation (CRESP) at the University of Washington

cc: A. Alm
J. Wagoner